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Monthly report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

2. On 3 July 2004, the Government of the Sudan and I concluded a joint communiqué which established a number of obligations for the Government and the United Nations aimed at bringing an end to the crisis in Darfur. In my reports to the Council during the intervening year, I have described in detail the violence and hardships suffered by the people of Darfur and international efforts, led by the African Union (AU), to bring the conflict in that region to an end. By agreeing to the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur in Abuja on 5 July 2005, the parties have committed themselves to making peace. It is now more important than ever that international engagement in Darfur and in the Abuja peace talks continue, so that the momentum created by the 5 July breakthrough is maintained.

3. United Nations engagement in Darfur has been guided in large part by the terms of the joint communiqué. The present report focuses on a review of implementation of the communiqué over the past year, taking into account resolutions adopted by the Security Council during this same period.

4. In accordance with the communiqué, the United Nations undertook, inter alia, to help alleviate the humanitarian suffering of the civilians affected by the conflict, including those Sudanese seeking refuge in neighbouring Chad; to assist AU in deploying ceasefire monitors; and to stand ready to support the African mediation at peace talks between the Government and the armed movements. For its part, the Government pledged to move quickly on a range of issues, including humanitarian, human rights and security issues, and a political settlement of the conflict in Darfur. To oversee the implementation of the terms of the communiqué, the agreement provided for a high-level Joint Implementation Mechanism that would be co-chaired by the Minister for Foreign Affairs of the Sudan and my Special Representative, Jan Pronk, and include among its members partner Governments, the League of Arab States and, later, AU. Following an agreement with President Bashir, I am attaching a report submitted by the members of the Joint Implementation Mechanism, who conducted separate missions to the three Darfur states in June 2005 to assess the

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security, human rights and humanitarian situations on the ground in relation to those of one year ago (see annex).

II. Security situation

5. At the time of the signing of the communiqué, the armed rebellion launched in Darfur by the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) had been under way for almost 18 months. During that period, despite the signing of the N'Djamena Ceasefire Agreement in April 2004, the armed movements clashed numerous times with Government forces, the paramilitary Popular Defence Forces, tribal-based militias (commonly referred to as Janjaweed) or some combination thereof. PDF and Janjaweed adopted tactics that resembled a scorched-earth policy to deny armed movements support from the civilian population. During this period the local militias, which were often supported by Government forces, committed many atrocities and gross human rights abuses, including rape, the killing of civilians and the razing of entire villages. These abuses triggered a mass movement of people in dire humanitarian circumstances. As at 1 August 2004, roughly 1.2 million Sudanese were internally displaced in the three Darfur states, and tens of thousands more were forced to seek safety across the Chadian border. Furthermore, those who had fled to camps for internally displaced persons continued to face attacks and harassment by militias that operated at the outer boundaries of the camps.

6. In some respects, the security situation in Darfur has improved over the past year. The presence of the AU Mission in the Sudan (AMIS) has been a major factor in this improvement, together with pressure from the international community. Militia attacks on civilians decreased over this period, although attacks on villages such as Tawilla, Hamada and Labado in late 2004 and early 2005 underscored the major threat faced by civilians in this conflict. The last major assault on a village was in April 2005, when militia members razed Khor Abeche in Southern Darfur. Reports of attacks on villages in Southern and Northern Darfur were received in June 2005, but they remain unconfirmed. The number of confirmed deaths, civilian and combatant alike, due to violence has also decreased substantially over the course of the last year. Since the signing of the joint communiqué, January 2005 has been the month with the most deaths caused directly by violence: in that month, between 300 and 350 people were killed. This figure marked the high point of a four-month increase in deaths due to violence that began in September 2004. Since January, however, confirmed deaths due to violence in a single month have not exceeded 100. These two trends reflect the fact that the frequency of direct clashes between the parties has diminished significantly and that there have been fewer attacks on civilians, who, whether in their villages or in camps for internally displaced persons, are at less risk of harm today than they were one year ago.

7. Despite these two positive trends, the implementation of the joint communiqué has been uneven and inconsistent. Ensuring the safety of civilians was one of the central aims of the communiqué. The Government committed itself to five specific actions intended to provide urgent and lasting improvements to the security and safety of its citizens in Darfur. First, the Government agreed to deploy a strong, credible and respected police force in all areas for internally displaced persons and in areas susceptible to attack. The Government has indeed deployed a significant number of new police officers to the three Darfur states, increasing the overall

number of police in Northern Darfur, for example, from 1,000 to 4,000 over the past year. The additional police established new posts near or inside the camps for internally displaced persons, which improved protection for those persons. More recently, police have provided escort patrols to female internally displaced persons collecting firewood outside the Abu Shouk camp in Northern Darfur, contributing to a decrease in attacks on women moving and working beyond the confines of the camp. However, these efforts have been undermined by a persistent, deep mistrust of the police among the internally displaced population and many non-internally displaced civilians. This is explained by reports of police inaction and indifference to criminal complaints from internally displaced persons and security incidents within camps, some of which were apparently triggered by the police themselves and Janjaweed members being recruited into the police. To a certain extent, this lack of confidence in the ability or willingness of the police to provide security has been mitigated through the deployment of the civilian police contingent of AMIS. The presence of AMIS police at some locations, in particular in Southern Darfur, has allowed for joint patrols with Government police, leading to a decrease in the number of attacks on civilians and an improved sense of security among internally displaced persons.

8. In this connection, the Government also undertook to train all police units in human rights law and hold them responsible for upholding it. In the year since the Government made this pledge, the United Nations Development Programme (UNDP) and its implementing partner, the International Rescue Committee, have conducted informal training on human rights and international standards for some 500 Government police, as part of a broader awareness programme that also targets military and security forces, as well as the judiciary and traditional leaders. UNDP will conduct an independent evaluation of this programme in September 2005.

9. The third and fourth commitments made by the Government in the joint communiqué were equally important with respect to the safety and security of civilians. The Government was to ensure that no militias are present in areas surrounding camps for internally displaced persons and was to start immediately the disarmament of the Janjaweed and other armed outlaw groups. With regard to the presence of militias near camps for internally displaced persons, there has been a decline in the number of reported security incidents in the vicinity of such camps over the past year. Government efforts have contributed to this trend, but this must be qualified in a number of ways. As indicated above, a great measure of credit for the improved security environment around the camps must go to AMIS, whose presence in certain regions of Darfur has had a direct, positive impact on the security situation. Also, for many internally displaced persons who have testified to United Nations and NGO workers over the past year, the Janjaweed remain an ever-present threat around the camps. Reports of harassment, rape and attacks continue to be received, albeit with less frequency over the past five months. Fears of attack among internally displaced persons discourage them from moving outside the camps for firewood collection and commercial and other activities, let alone returning to their homes.

10. However, after one year, there is little evidence of any serious efforts by the Government to disarm the Janjaweed and other armed outlaw groups. The Government enacted a ban on carrying weapons and collected only a small number of them, without any independent verification. Despite voluntarily undertaking this task in the joint communiqué and the Security Council demand in resolutions 1556

(2004), 1564 (2004) and 1591 (2005) that this pledge be fulfilled, Government officials have recently made it known that the disarming of the militias will commence only after a political settlement is reached. In so doing, the Government has unilaterally introduced a conditionality on future compliance that contravenes its obligations and sets back efforts to provide safety and security for civilians.

11. Finally, the Government pledged to ensure that immediate action is taken to rebuild the confidence of the vulnerable population and that any return of the displaced to their homes is done in a truly voluntary manner in line with the current Humanitarian Ceasefire Agreement (the N'Djamena Agreement of April 2004). As the Security Council is aware, compliance with this commitment has been mixed. Judging by the willingness of residents in some locations to voice concerns and complaints about camp life to visitors in the presence of Government officials, and the decline in some locations of security incidents between camp residents and officials, relations between internally displaced persons who live in camps and local authorities have apparently improved over the past year. However, the Government has more work to do in other locations. Internally displaced persons at some camps perceive local authorities as intimidators and adversaries who are determined to have them return to their villages regardless of the security situation there. Not surprisingly, therefore, in camps such as Kalma in Southern Darfur, security incidents between internally displaced persons and Government police and officials are more frequent. The persistent and widespread mistrust of police among internally displaced persons that was noted above also underscores the limited nature of the Government's achievements in this area.

12. In an effort to restore peace in Darfur and rebuild confidence among its citizens, the Government has initiated a process of tribal reconciliation and conflict resolution that has brought together a number of tribes, including nomads and pastoralists, in talks and negotiations. In previous reports, I have made it clear that I welcome these initiatives as a means of seeking settlement of past conflicts and of defusing tensions that may lead to future conflicts. The international community must closely monitor this process, however, to ensure that tribal reconciliation or conflict resolution talks do not become a substitute for a political settlement. To be of maximum value, the tribal reconciliation process should not hinder the political talks with the rebel movements; should be fair and inclusive of all tribes; should be conducted by leaders who are legitimate representatives of their communities; should compensate victims directly; and should not be a substitute for the prosecution of war-crimes cases.

13. Regarding the return of civilians to their places of origin, there is no evidence that the Government has forcibly returned people of Darfur to their homes since the communiqué was signed, but some concerns remain. Subsequent to the joint communiqué, the Government signed two agreements governing the voluntary return of internally displaced persons in Darfur: a memorandum of understanding with the International Organization for Migration (IOM) for Darfur, on 21 August 2004, and a letter of understanding with the Office of the United Nations High Commissioner for Refugees (UNHCR) for Western Darfur, on 31 January 2005. The memorandum of understanding and the letter of understanding emphasize international principles of voluntary return as well as Darfur-specific agreements, and elaborate modalities for collaboration between the Government and its partners to ensure that return is in fact voluntary. Though the memorandum of understanding and letter of understanding stipulate that IOM and/or UNHCR would be notified in

advance of any assisted return, the international community has received reports of Government-assisted returns in all states of Darfur without such notification. In these situations it was not possible to assess whether security in the locations concerned had been restored. The Government must respect the provisions of the memorandum of understanding and the letter of understanding concerning the notification of its partner agencies prior to a relocation of people.

14. While fewer civilians are now at risk of being killed in their villages, and, with a few notable exceptions, there is some degree of stability and safety within the camps for internally displaced persons, this very basic standard for security is insufficient if people remain afraid to venture more than a short distance from the camps, let alone to return to their villages permanently. Although the frequency of overt military attacks against civilians has diminished greatly over the year, it has been replaced by intimidation and fear.

15. Notwithstanding the successful outcome of the latest round of talks in Abuja, divisions during negotiations led to clashes between SLM/A and JEM on the ground in June. Moreover, while the number of militia attacks on villages has decreased since last year, they continue in significant numbers. Finally, the Government's failure to provide a secure environment beyond the areas immediately around the camps for internally displaced persons and major population centres, attacks initiated by the armed movements against Government targets and recent fighting between the movements themselves have caused the situation to deteriorate to the point where banditry has become a serious threat to civilians and humanitarian traffic and personnel. Without urgent action by the Government to comply with all of the security provisions of the joint communiqué, the modest improvements in the security situation of the past year will be at risk of being reversed and civilians will continue to pay the price.

16. It should be stressed that responsibility for improving the security situation in Darfur does not rest solely with the Government. Though they are not signatories to the joint communiqué, the armed movements have comparable obligations under the N'Djamena Ceasefire Agreement, the two Abuja protocols of November 2004 and Security Council resolutions. While their actions on the ground have had less impact on civilians than those of Government forces or the Janjaweed, recent actions of the armed movements, especially SLM/A, have generated concern in the international community that these movements are now actively seeking to hinder relief and monitoring activities. In addition, AMIS is now frequently confronted by local SLM/A commanders who deny their patrols access to an increasing number of rebel-held areas. These AMIS patrols have reported that the SLM/A commanders have attempted to justify their refusal to grant access on the grounds that AMIS was conducting espionage against SLM/A, without attempting to substantiate the allegation.

III. Human rights

17. In the joint communiqué, the Government made a number of important commitments to improving the human rights situation in Darfur. The Government agreed to allow the deployment of human rights monitors; to undertake immediate investigation of all cases of violations (including through the work of an investigative committee); to ensure that all individuals and groups accused of

human rights violations would be brought to justice without delay; and to take concrete measures to end impunity. It also agreed to establish a fair system that would be respectful of local traditions and allow abused women to bring charges against alleged perpetrators.

18. I am pleased to note that the Government has complied with the first commitment. The first deployment of human rights officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR) took place in August 2004. Subsequently, in its resolution 1564 (2005) the Security Council requested me to work with OHCHR to increase the number of human rights monitors in Darfur. In accordance with that request, there are now 42 international human rights officers, including a number of United Nations Volunteers, working in four field offices in Darfur. All of these human rights staff are fully integrated into the United Nations Mission in the Sudan (UNMIS), which was established in March 2005. United Nations human rights staff deployed to Darfur will total 65.

19. The Government has also established committees tasked with investigating human rights violations in Darfur. However, it is difficult to assess the effectiveness of such committees when no detailed information has been forthcoming on their activities and findings. As for the recommendations of the National Commission of Inquiry, only a few have been implemented. On 7 June, the Special Criminal Court for the events in Darfur was established, with the mandate of trying cases of human rights violation in the context of the conflict in Darfur. The Court has so far held its first sessions in Southern and Northern Darfur. It is too early to determine whether this represents a genuine effort to end the situation of impunity. As I have stated in my previous reports to the Council, such efforts should have been undertaken much earlier. They are, nonetheless, steps in the right direction that should be welcomed and encouraged. UNMIS will monitor the proceedings of the Court closely. These proceedings should be transparent and meet internationally agreed standards. The verdicts resulting from the trials should reflect high standards of justice and contribute to putting an end to the impunity which has prevailed so far.

20. The Government needs to strengthen its efforts with regard to the investigation of human rights violations and take concrete measures to end impunity. So far, investigations have been carried out in very few cases of reported human rights violations. Often the police and prosecutors are reluctant to follow through on reported violations. They are also hindered by a lack of infrastructure, transport and other facilities necessary to conduct investigations. I am concerned that this combination of institutional and procedural hindrances has perpetuated and reinforced the climate of impunity the joint communiqué was meant to end.

21. Sadly, sexual violence committed by soldiers, police and Government-aligned militias remains a widespread feature of the Darfur conflict. Although the Government has taken some action, it has not done enough to end the culture of impunity behind the widespread sexual abuse in Darfur. Many police stations still refuse to even register, let alone investigate, sexual violence complaints. When cases are registered, police officials often do not thoroughly investigate the claims, and there appears to be a clear bias in favour of accused members of the security services, a de facto criminal immunity, which bolsters a culture of impunity. Victims of sexual violence are often subjected to multiple and humiliating medical examinations, and a controversy over procedures for the gathering of medical evidence has resulted in the denial of medical assistance to many women. This issue

was taken up in the Joint Implementation Mechanism subcommittee on protection and human rights. On 29 May, the Government agreed to clarify these procedures with the assistance of UNMIS. This decision, in addition to subsequent discussions with local officials in Western and Southern Darfur, was an encouraging development by which the Government confirmed that victims were free to receive medical treatment without first reporting to the authorities and completing a lengthy questionnaire, known as form 8. This significant shift in policy, which came after intensive and sustained consultations with UNMIS, also includes the stipulation that following medical treatment, neither the victim nor the medical personnel treating the victim are under any obligation to report the case to the authorities. The Government also confirmed that, should the victim wish to press charges, any medical professional treating the victim (including foreign medical staff working in NGO clinics) is authorized to fill in form 8 and that this form will be accepted by the police, the prosecutor and the courts. Subsequent reports, however, indicate that some police officers are not yet complying with this new policy. The Government must follow up with proper implementation immediately so that any future victims can have access to the medical care they require in a timely fashion, without any obligation on the part of the victim or the attending medical personnel to report the incident to the authorities.

22. In order to improve the human rights situation in Darfur, it is essential for the Government to take a number of concrete steps immediately. As it lifts the state of emergency in most parts of the country, the Government should undertake to respect its citizens' freedoms of assembly and expression and allow greater freedom of the press. It should deploy police to locations within Darfur as a way of protecting vulnerable elements of the civilian population, such as internally displaced persons and women, and greatly increase the level of human rights and professional training received by those police officers. It needs to take firm measures to end impunity by bringing alleged perpetrators of human rights violations and abuses to justice and making the judgements publicly available. Furthermore, it must broaden and strengthen cooperation with human rights officers in all aspects of their work, including facilitating free and unfettered access to all detention facilities. Finally, in order to address these issues in a comprehensive manner, the Government needs to engage in active legal reform which includes the legal protection of all human rights set out in the main international human rights instruments.

IV. Humanitarian issues

23. The United Nations, with its partners, has mobilized a massive humanitarian assistance programme since May 2004. Although the security situation in Darfur has improved over the last year, the cumulative effect of the conflict has resulted in an ongoing increase in the number of war-affected civilians. The economy of the region is disrupted, opportunities for local food production are reduced and coping mechanisms have been seriously compromised. As a result of these and other developments, the total number of affected people in the Darfur region increased from just over 1 million in May 2004 to 2.9 million in June 2005. This new figure includes nearly 1.9 million internally displaced persons and over 200,000 refugees in Chad, plus drought-affected people and nomadic communities that have been affected by the conflict but did not begin to receive humanitarian assistance until early 2005. Today coverage of the affected population in the six life-saving

sectors — food, water, sanitation, shelter, health and nutrition — is between 55 and 75 per cent, having improved significantly since May 2004, when it was as low as 5 per cent in some sectors.

24. While in May 2004 food distribution was able to reach only 400,000 vulnerable people, today over 1.9 million people are being reached. Multiple vaccination campaigns have successfully averted major epidemics. Where outbreaks were identified, agencies coordinated their actions to undertake measles and meningitis vaccination campaigns. In response to the reappearance of polio in the Sudan in 2004, four mass polio vaccination campaigns were carried out in Darfur, reaching 100 per cent of the target under-15 population. In reaction to outbreaks of hepatitis E, hygiene education campaigns and soap distribution took place, efforts to improve water and sanitation provisions were stepped up and overall facilities in several settlements of internally displaced persons were upgraded.

25. Information-gathering for a crude mortality survey led by the World Health Organization (WHO) — which covers the period from June 2004 to June 2005 — was also finalized in June 2005. The preliminary findings suggest that the mortality rate in the three Darfur states has fallen below the international crisis threshold of 1 death per 10,000 persons per day. A comparison between the WHO mortality study undertaken last year and the early figures from the study concluded in June 2005 shows that the mortality rate in Northern Darfur dropped from 1.5 to 0.8 deaths per 10,000 per day and in Southern Darfur from 2.7 to 0.8 deaths per 10,000 per day; the preliminary results for Western Darfur suggest that the mortality rate decreased from 2.9 to 0.7 per 10,000 per day. Despite these statistical improvements, it is important to stress that the nutritional status of conflict-affected persons in Darfur remains delicate and dependent on relief assistance.

26. The easing of bureaucratic restrictions since the implementation of the joint communiqué has resulted in a significant increase in the humanitarian presence and delivery of assistance in Darfur. The number of national and international humanitarian workers increased from 1,100 in May 2004 to more than 11,500 one year later. Over the same period, accessibility to the affected populations for United Nations agencies increased from 10 per cent to well over 80 per cent. This has enabled partners to respond to the pressing needs of an increased number of beneficiaries and to expand geographic coverage outside of the main towns, where humanitarian assistance was previously concentrated.

27. However, frequent Sudan Liberation Army (SLA)/JEM, militia and bandit attacks on humanitarian convoys, in particular in Southern Darfur, continue to hamper efficient operations. Harassment of NGO personnel also remains a serious concern. The arrest of the head of mission and Darfur coordinator of MSF-Holland in late May is an example of this trend, though I am pleased to note that the charges made by the Government were dropped on 19 June. Other obstacles faced by the humanitarian community include frequent changes to already restrictive travel requirements, restricted access to the camps and the internally displaced population, arbitrary detention, and intimidation and intervention in the selection of national staff. The upcoming rainy season, as well as shortages of much-needed funding for air transport, including critical helicopter capacity, will also negatively affect humanitarian access to various parts of Darfur.

V. Protection

28. The Government was called upon by the Security Council in paragraph 1 of its resolution 1556 (2004) to establish "credible security conditions for the protection of the civilian population and humanitarian actors". Efforts to improve the protection situation in Darfur have been a part of the humanitarian operation, including significantly increasing the number of protection staff and consolidating advocacy and coordination efforts.

29. The ongoing blockade of the Kalma camp for internally displaced persons demonstrates the perpetuation of protection problems in Darfur. Following unrest in Kalma camp on 19 May, a ban was imposed on commercial traffic to and from the camp. Banning the movement of commercial products into the camp has resulted in reduced availability of certain basic commodities. Malnutrition rates in Kalma camp were already rising prior to the ban, when internally displaced persons still had the opportunity to trade to supplement their food rations. Now that this option is no longer available to them, relief workers expect a negative impact on the nutritional status of internally displaced persons living in the camp. The ban on commercial traffic, including transport, is also preventing many women from travelling to the town of Nyala to work as domestic labourers. In a context in which 70 per cent of women are heading households, the ban removes one of the only sources of income for up to two thirds or more of households in the camp. My Special Representative and other stakeholders are continuing efforts to seek an end to this ban. This crisis provides the Government with an opportunity to reaffirm its commitment to the principles of protection of civilians that it claims to respect. I urge the Government to take advantage of this chance and find an appropriate solution that removes these unnecessary burdens from an already distressed population.

VI. The political process

30. As Council members are aware, the AU-led Abuja talks are aimed at reaching a political agreement between the Government and the two armed movements — SLM/A and JEM. The agreement is expected to establish principles on power- and wealth-sharing and stipulate modalities for a wider follow-up process of tribal and social reconciliation through an "all-Darfur conference", which is also to deal with the root causes of the problem.

31. When the previous round of talks in Abuja ended in December 2004, it became clear that additional preparatory work was needed before convening the next round. This work included assisting the armed movements in resolving their internal leadership problems and other problems; improving their ability to articulate a coherent negotiation position; securing agreement on the format and procedure of the next round of talks; and putting to good use the momentum created by ongoing preparations for the formation of a Government of National Unity and the new political reality it would create in the Sudan.

32. The fifth round of talks opened in Abuja on 10 June, amid expectations that considerable progress could be made. The three parties agreed to focus on political issues and to start their work by adopting a declaration of principles. However, soon after the talks began it became evident that the parties had considerable difficulties with regard to important procedural matters, including the roles to be played by

Eritrea and Chad at the talks. There were also sharp differences within and between the two movements. In the case of JEM, breakaway groups called into question the legitimacy of its representatives in Abuja.

33. I am encouraged that despite these serious difficulties, the parties were able to agree on the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, and I congratulate the AU mediation team, led by Salim Ahmed Salim, for the successful conclusion of this round of the talks. The Declaration of Principles contains important provisions regarding the shape of future negotiations on matters such as unity, religion, power-sharing, wealth-sharing, security arrangements and the important question of land use and ownership.

34. When the parties reconvene in Abuja on 24 August they will have to apply themselves fully to addressing the complex issues of power- and wealth-sharing. Partners' support for the AU mediation played an important role in successfully concluding the most recent round of talks, and this international support for the talks should continue.

VII. Cooperation in Darfur between the United Nations and the African Union

35. The joint communiqué and Security Council resolution 1556 (2004) called on the United Nations to assist the African Union to deploy ceasefire monitors, as called for in the N'Djamena Ceasefire Agreement. Initially, this commitment was met through the dispatch of a planning assistance team from New York to the region from 4 to 17 August 2004. This was generally deemed useful and, as demands grew for a greater AU role in Darfur, AU requested the United Nations to provide additional planning and logistical support. To facilitate this growing level of cooperation between the two organizations, I accepted the AU invitation to establish a full-time assistance and liaison cell at the African Union Commission. This decision was communicated to the Security Council in my report on Darfur of 4 October 2004 (S/2004/787).

36. The cell was operational soon afterwards and mandated to meet, inter alia, the following objectives: support AU in planning and providing technical advice for AMIS; identify areas of United Nations support and advise my Special Representative and the Department of Peacekeeping Operations accordingly; work closely with the partners of AU that facilitate the AU Commission's efforts to secure required resources from donor Governments; and keep the Department of Peacekeeping Operations and UNMIS fully informed of the status of AMIS.

37. Since its establishment in October 2004, the cell has facilitated a number of cooperative initiatives between AU and the United Nations. Among other major tasks, it assisted in the drafting of the expanded AU Mission's concept of operations and logistics concept of operations; and an enhancement of AU communications by connecting AMIS offices in El Fasher, Khartoum and Addis Ababa to the United Nations communications network. Finally, the cell has assisted AU in its discussions with donors by identifying needs and gaps that need to be filled urgently if the expansion of AMIS II is to proceed. These consultations contributed to the successful donors' conference held on 26 May in Addis, Ababa, which I co-chaired with the Chairperson of the AU Commission, Alpha Oumar Konaré.

38. Cooperation between AU and the United Nations now extends beyond Addis Ababa and Khartoum, with officials from each organization working more and more closely together in the field. AMIS monitors, and protection forces coordinate and cooperate on a daily basis with, UNMIS and the Office for the Coordination of Humanitarian Affairs staff in all three of the Darfur states, which has increased the overall effectiveness of the international community's presence in Darfur.

VIII. Observations

39. Violence in Darfur has diminished greatly since the period from early 2003 to mid-2004, which was prior to Security Council decisions and the deployment of AMIS. There can be little doubt that the situation in Darfur is less dangerous for civilians than it was a year ago. Attacks on civilians have declined significantly over the past 12 months, and humanitarian relief workers have access to far more people in need than they had at the time the joint communiqué was signed, in July 2004. These developments should be welcomed by the international community. The Government's adherence to some of the commitments it undertook in the communiqué should be acknowledged in this regard.

40. Nevertheless, these developments represent only a modest step forward. Any improvement in basic security is important to civilians living in the midst of a civil war, but they are not sufficient on their own; nor do the trends in Darfur necessarily represent unqualified progress. For example, the decrease in attacks on civilians may also be a function of a reduced number of targets. So many villages have been destroyed since the war began that there are now fewer locations for militias to strike. In addition, the threat of attack — on villages or other concentrations of civilian population — persists. Displaced civilians living in camps continue to report attacks on them by militias or bandits when they leave the camps' surroundings. The most compelling evidence of the poor security environment is that, while the number of attacks on civilians decreased during the past year, the ranks of conflict-affected people continued to increase, especially among those who sought shelter and protection in camps for internally displaced persons. Darfur may be a less active war zone than it was a year ago, but violations of human rights continue to occur frequently, and active combat has been replaced by a suffocating environment of intimidation and fear, perpetuated by ever-present militias.

41. The Government is expected to improve this fragile and dangerous situation by following through on all of the commitments it agreed on in July 2004. As was clear at that time, the terms of the joint communiqué were intended to address only the more pressing and damaging symptoms of the war in Darfur. The only way to achieve a durable and just peace is to reach a political settlement between the Government and the rebel movements which guarantees the effective protection of the human rights of everyone in Darfur and is complemented by a comprehensive reconciliation process among the tribes of the region. As I have argued in past reports, the many difficulties experienced at the negotiating table could be removed if the parties take concrete steps on the ground to minimize clashes and enhance the safety and security of civilians and all international staff. For the Government, simply fulfilling all of the obligations it undertook in the communiqué a year ago would be a positive, if belated, step forward.

42. In signing the joint communiqué, the United Nations committed itself to supporting efforts to find peace in Darfur. The commitments made by the organization and subsequent resolutions adopted by the Security Council, including with regard to the crucial role of AU, constitute the strategy adopted by the international community to fulfil that pledge. This strategy has three components: political, security and humanitarian. There has been some progress in each area.

43. Politically, the international community has had a measure of influence over the parties' negotiating posture at the Abuja talks — but only up to a point. The security element of the strategy has centred on the deployment of AMIS. As stated above, the AU Mission deserves a great deal of credit for the improved security situation over the past year. Finally, the humanitarian element of the strategy has made great strides forward over the past year, as both the delivery of relief material and access to affected populations have increased dramatically since the communiqué was signed.

44. The international strategy for supporting efforts to make peace in Darfur has also faced some impediments. Political pressure on the parties to enter serious and sustained talks was often uncoordinated, thereby rendering mediation efforts far less effective than they could otherwise have been. At the same time, the AU contribution to improving security in Darfur was limited by the size of its force and its level of operational capability. As regards the humanitarian dimension, the gains made by the humanitarian community remain precarious in the absence of a political agreement to end the fighting in Darfur. As the war drags on, it is certain that the ranks of the conflict-affected population will only continue to grow, while the ability or willingness of the international community to maintain its current level of assistance may diminish. This will leave more people in need but fewer resources to draw upon to provide the necessary assistance.

45. What is required now is for these impediments or shortcomings to be addressed and the strategy to be invigorated and intensified in all its aspects. In this context, the formation of a new Government of National Unity and the adoption of a national interim Constitution with strong human rights provisions will present new opportunities to engage the parties at the negotiating table and move the political process forward. I am optimistic that an agreement can be reached by the end of the year if the parties show serious good-faith commitment to the AU-led Abuja process and if there is sustained international pressure on them to do so. In the meantime, the AU Commission and AU troop- and police-contributing countries and donors will have to proceed diligently with the expansion of AMIS. In this regard, I encourage the international community to provide the support required for them to accomplish this challenging task. Finally, donor Governments must sustain their support for the humanitarian relief efforts.

46. I would like to thank my Special Representative, and the small team that has worked with him, for their tireless efforts over the preceding year to help bring peace to Darfur. I would also like to commend the African Union for the leading role it has played in seeking peace in that troubled region.

Annex

Findings of the Joint Implementation Mechanism missions for Northern, Southern and Western Darfur, June 2005

Introduction

1. The United Nations and the Government of the Sudan, together with donor representatives, undertook three joint missions — to Western Darfur on 15 and 16 June and to Northern and Southern Darfur on 22 and 23 June 2005 — to evaluate the compliance of the United Nations and the Government of the Sudan with the provisions of the joint communiqué of 3 July 2004.

2. The missions were composed of representatives of the Government of the Sudan, the United Nations and its partners in the Joint Implementation Mechanism. On the Government of the Sudan side, the missions included representatives of the Ministry of Foreign Affairs, the Ministry of Humanitarian Affairs, the Ministry of Justice and the Humanitarian Affairs Commission. Representatives of the African Union, Canada, the European Commission, France, Germany, the United Kingdom of Great Britain and Northern Ireland, Italy, the Netherlands, Norway, Sweden, Switzerland, the United States of America and the United States Agency for International Development participated as Joint Implementation Mechanism members. On the United Nations side, the missions were led by the Special Representative of the Secretary-General, for the west, the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator, for the north, and the Deputy Humanitarian Coordinator, for the south.

Humanitarian issues

3. *Commitment*: In the joint communiqué, the United Nations pledges to "do its utmost to help alleviate the humanitarian need of the affected population in Darfur". The Government of the Sudan committed itself to implement a "moratorium on restrictions" on all humanitarian work in Darfur and to remove any other obstacles to humanitarian work, including by suspending visa restrictions on all humanitarian workers and permitting freedom of movement for aid workers throughout Darfur; permitting immediate temporary NGO registration through a simple notification process that the Office for the Coordination of Humanitarian Affairs will offer to manage on behalf of NGOs; and suspending all restrictions on the importation and use of all humanitarian assistance materials, transport vehicles, aircraft and communication equipment.

4. The humanitarian situation in the camps for internally displaced persons has generally improved as a result of the dramatic increase in humanitarian assistance. However, substantial gaps in the response of humanitarian agencies still exist in most sectors, due primarily to the increase in the number of people affected as the conflict continues. The number of conflict-affected people in Darfur has risen from 1,090,000 to more than 2,730,000, and the number of internally displaced persons from about 986,000 to 1,882,000, due in some measure to the return of some internally displaced persons to areas closer to their homes because of a perception of localized improvements in security. During the missions' visits to camps, representatives of internally displaced persons as well as humanitarian agencies

reported problems of insufficient water supply and quality, occasional shortages of food and inconsistent food delivery and the need for plastic sheets, mosquito nets, kitchen utensils and blankets, as well as more tents to cater for larger families and able to withstand the rainy season.

5. With humanitarian assistance focused primarily on the affected population within camps for internally displaced persons, the Government of the Sudan noted the need for assistance to be widened to reach affected groups outside the camps. With the number of drought-affected people increasing, a substantial effort by both the Government of the Sudan and the international community is required in this regard, in particular with respect to the provision of water, education and health services. A key component of this will be the provision of accurate and reliable security information to the humanitarian community. Assistance from United Nations agencies and NGOs is already reaching some affected populations outside the main cities, and assessments are being carried out systematically to evaluate the needs of other populations in remote locations and areas of return.

6. The easing of restrictions on humanitarian operations in Darfur since the signing of the joint communiqué has resulted in a significant increase in the humanitarian presence and delivery of humanitarian assistance. Eighty NGOs and 13 United Nations agencies are currently operating in Darfur, with a total of 11,589 national and international staff. Access to the affected target population is currently estimated at about 88 per cent, as compared with only 10 per cent one year ago, and cooperation between the Government of the Sudan and the international community has improved. In many locations the authorities have also established regular dialogue with humanitarian assistance organizations, including weekly coordination meetings bringing together humanitarian workers and representatives of the relevant administrations.

7. Visas for humanitarian workers operating in Darfur are, in most cases, being issued without difficulty. However, members of the humanitarian community continue to face numerous obstacles in discharging their duties, including difficulties for international NGOs in obtaining visas for new staff (particularly of African nationalities), as well as multi-entry visas; the length of time taken to process visas; and inconsistencies in the application and interpretation of procedures. While the situation has improved elsewhere, complaints still persist in Southern Darfur with respect to continued harassment of NGOs, arbitrary arrests and restriction of the movement of humanitarian workers.

8. The process of clearing certain goods through customs within the Sudan has improved substantially. However, problems remain for some international NGOs, particularly with respect to the clearing of communication equipment and medicines. A more consistent approach should be adopted regarding landing fees for commercial planes chartered by United Nations agencies and international NGOs to transport humanitarian assistance, and "tarmac fees" for commercial trucks contracted by humanitarian agencies to collect humanitarian materials from planes, both of which have been reintroduced recently.

9. The provision of humanitarian assistance to internally displaced persons in some camps is hampered by the resistance of local camp leaders to the head count necessary for registration. While the resistance is sometimes motivated by the personal interests of those benefiting from inaccurate registration, it is also based on fears on the part of internally displaced persons that this could lead to their

repatriation. The humanitarian situation in Kalma camp also remains worrying, with conditions in the overcrowded camp deteriorating and camp management rendered increasingly difficult by the expansion of its size and the lack of trust between internally displaced persons and local authorities. As the rainy season starts, the sanitation conditions could deteriorate further, posing serious health risks to its population. The United Nations is working with local authorities to find common ground with leaders of internally displaced persons in order to implement a partial relocation of the camp population.

Human rights

10. *Commitment*: In the joint communiqué, the Government of the Sudan committed itself to undertake concrete measures to end impunity; to investigate all cases of violations, including those brought to its attention by the United Nations, the African Union (AU) and other sources; to ensure that the Independent Investigation Committee, established by presidential decree in May, receives the necessary resources to undertake its work and that its recommendations are fully implemented; to ensure that all individuals and groups accused of human rights violations are brought to justice without delay; to allow the deployment of human rights monitors; and to establish a fair system, respectful of local traditions, that will allow abused women to bring charges against alleged perpetrators.

11. The Government has fully accepted the deployment of human rights officers in Darfur. The first deployment of human rights officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR) took place in August 2004. Following the establishment of the United Nations Mission in the Sudan in March 2005, the human rights officers have been fully integrated into the Mission. Of the total expected deployment of 65 international human rights officers, there are currently 41 present. In general, cooperation with human rights officers has been good, with regular meetings held with the police, prosecutors and the judiciary. Extensive human rights training for local police and the judiciary has been provided by the United Nations Development Programme, supported by OHCHR and the International Rescue Committee.

12. The Government has taken a number of additional positive steps. In its report, the National Commission of Inquiry acknowledged that serious violations of human rights were committed by all parties in the Darfur states. On the basis of that report, several committees, including a National Judicial Committee, were established to investigate human rights violations in the Darfur states. In addition, local authorities have established several committees for the same purpose. On 7 June the Special Criminal Court for Darfur Crimes was established with the mandate of trying cases of human rights violation in the context of the conflict in Darfur. The court has held its first sessions, in Southern and Northern Darfur. It is too early to tell whether this represents a genuine effort to end the situation of impunity in Darfur. The national interim Constitution, which came into force on 9 July, is a positive development even in the Darfur context. It is hoped that its strong human rights provisions will have a positive impact on the situation in Darfur.

13. While these steps are welcome, they have yet to contribute to establishing accountability for human rights violations and ending impunity. Investigations have taken place in few cases, with the police and prosecutors seeming reluctant to follow

through on reported human rights violations. They are also hindered by lack of transport and other facilities in carrying out their investigations. Allegations against national security services are poorly investigated, and there is a lack of independent oversight of detentions. Access for human rights officers to military intelligence and national security and intelligence services detention facilities remains problematic.

14. While there is general recognition of the difficulties involved in the reporting and prosecution of rape cases, little progress has been made in encouraging the reporting of rape, in establishing preventive measures and in investigating and prosecuting cases while fully respecting the rights of the victims. Administrative processes are difficult and inconsistent, hindering effective action. The National Committee on Rape has yet to demonstrate an impact on the prevention or prosecution of rape in Northern Darfur. Limited action has been taken to follow up on the work of the Judicial Committee, set up upon the recommendation of the National Commission of Inquiry.

15. In Southern Darfur, there are continued reports of threats by representatives of the Humanitarian Action Committee against NGO-run clinics to coerce them to release confidential medical information regarding survivors of gender-based violence. While steps have been taken, among other things, to allow victims of sexual and gender-based violence to receive medical treatment without first reporting to the authorities and having a form 8 filled out, violations of this policy continue to occur. In this regard, human rights officers and clinics on the ground have pointed to an uneven implementation of this policy on the ground. It is hoped that the authorities will live up to their commitments by disseminating this policy widely and implementing it consistently on the ground.

Security

16. *Commitment*: The Government of the Sudan committed itself, in the joint communiqué, to deploy a strong, credible and respected police force in all areas of internally displaced persons, as well as in areas susceptible to attack; to train all police units in human rights law and hold them responsible for upholding it; to ensure that no militias are present in all areas surrounding camps for internally displaced persons; to immediately start to disarm the Janjaweed and other armed outlaw groups; and to ensure that immediate action is taken to rebuild the confidence of the vulnerable population and that any return of displaced persons to their homes occurs in a truly voluntary manner in line with the current Humanitarian Ceasefire Agreement.

17. The security situation within the camps for internally displaced persons has improved substantially over the past year, with tensions much lower and the presence of AU civilian police cited by internally displaced persons as a reassuring factor. There is also a general improvement in the relationship between internally displaced persons and the local authorities, with the former participating in decision-making in the camps and being more prepared to speak out and voice concerns and complaints in the presence of officials of the Government of the Sudan. Despite these improvements, the situation remains tense in many places. For instance, in Kalma camp recent clashes between the police and internally displaced persons led the former to withdraw from the camp to avoid further confrontation. Since then, local authorities have been pressuring internally displaced persons to

accept the presence of the police back in the camp. In addition, arrests of internally displaced persons who spoke to United Nations or NGO representatives have been reported.

18. The security situation has also improved outside the camps, with substantially fewer injuries and deaths reported. The presence of the African Union has provided a very positive influence, and steps have been taken by the Government of the Sudan to further stabilize the security situation in the region. In some camps, the Government of the Sudan provides police escorts for women collecting firewood, which has led to a significant reduction in the number of attacks against women and girls outside the camps. However, that practice has not been consistently rolled out to outlying areas, and where such escorts are not available, threats, attacks and beatings continue to be reported.

19. Despite the measures taken, the security situation remains volatile and unpredictable. While a year ago the main threats were related to conflict between the Government of the Sudan and rebels, incidents are now primarily related to banditry, threats against the United Nations and NGOs, detention of international NGO staff and vehicles, road blockages, theft of livestock and harassment of civilians. The presence of militias is still reported around many camps for internally displaced persons, highlighting the need to improve the security environment in Darfur, and not just provide safe havens to which the civilian population would be confined. In addition, fighting between the Sudan Liberation Movement and the Justice and Equality Movement is affecting the security of several villages in the region. While individual incidents may be occurring, no organized attacks or activities by outlaws or Janjaweed as a group have taken place in recent months. AU continues to monitor the situation and to coordinate with the Government of the Sudan, rebel forces and other armed groups.

20. With respect to disarmament, the Government of the Sudan has taken some limited steps to address the problem, including the preparation of a disarmament plan currently under discussion, the disarming of militias and the promotion of reconciliation of tribes to decrease tension and avoid the use of arms. In Southern Darfur, 800 weapons were collected by the Government of the Sudan over the period of review as part of its effort to downsize the Popular Defence Forces. While these are all welcome, the missions found limited indications of a systematic and sustained effort by the authorities to address the disarmament of the Janjaweed and other armed groups.

21. The return of internally displaced persons to their places of origin continue to take place. A number of them have since returned to camps, citing continued insecurity, lack of services or drought as main reasons for not remaining in their places of origin. With respect to forced returns and relocations, fewer indications have been reported by the humanitarian community in 2005. While this downward trend is positive, the occurrence of assisted return highlights the need for reinforcing the system of verification of voluntarinesss through the International Organization for Migration (IOM) and the established Management and Coordination Mechanism (MCM) framework. In Northern Darfur, the Government of the Sudan has also recently established a state-level committee to similarly assist the return of internally displaced persons through the provision of incentives of cash and humanitarian assistance in the form of shelter and food items. While some partial information has been given to IOM regarding the families requesting assistance to

return, sufficient time has not been allowed for a verification process to take place, nor has a full account been given of the material and security conditions at the point of return. For this purpose, greater cooperation between the Government of the Sudan, IOM and the humanitarian community is required, in order to ensure that return is safe, sustainable and voluntary within the provisions and criteria determined by the Verification and Monitoring Unit established by MCM.

Political issues

22. The joint communiqué called for a resumption of the political talks in Darfur in the shortest possible time in order to reach a comprehensive solution acceptable to all parties. The joint communiqué also welcomed the international community's role. Over the past few months, five rounds of talks have taken place under the auspices of AU in Abuja. The Government, JEM and the Sudan Liberation Movement/Army have attended these talks. Chad acted as co-mediator, while the Libyan Arab Jamahiriya and Nigeria were facilitators. A large number of countries and international organizations, including the United Nations, attended the talks. On 5 July 2005, the three parties, under the mediation of the AU Special Envoy, Salim Ahmed Salim, signed the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur. The next round of talks is due to commence on 24 August 2005 in Abuja. Further, in order to create a constructive environment for negotiations, the Government of the Sudan has carried out reconciliation initiatives among communities so as to ease tension and promote peace. In addition, the Government of National Unity, now in place, is further expected to enhance political stability throughout the country.

Conclusions

23. The overall situation in Darfur has improved considerably since the signing of the joint communiqué on 3 July 2004. Progress has been achieved in all areas of the agreement — humanitarian issues, security and human rights. However, the remaining obstacles need to be acknowledged and addressed quickly. While improvements are needed in specific areas, particular efforts must be made to end the harassment of aid workers in Southern Darfur and to ensure that the policies adopted at the national and state levels are implemented on the ground at the local level. In addition, while recognizing that security has improved inside the camps, the security environment as a whole needs to be improved to avoid further displacements. More needs to be done to address impunity and the disarmament of the Janjaweed and other outlaw groups, which would also greatly facilitate the conclusion of a political agreement that settles the conflict in Darfur. In addition, recent clashes between the rebel factions have exacerbated the difficulties faced by humanitarian organizations in the delivery of assistance to the needy.

24. It was noted that in general, AU Mission in the Sudan (AMIS) troops and civilian police enjoy the strong support of the displaced population. Their deployment, even if limited in number, helps restore confidence, including in the Sudanese police. While recognizing that the responsibility of protecting the population remains in the hands of the local authorities, an expansion in the scope of cooperation with AMIS can only improve the security situation on the ground.

Cooperation between AMIS, human rights officers and local authorities can also lead to better protection for internally displaced persons.

25. The authorities have indicated their willingness to strengthen cooperation with the international community and leaders of internally displaced persons to establish a true partnership in addressing the challenges facing the civilian population in Darfur. This positive attitude is a key to success, and all actors on the ground should strive to turn it into a daily reality. One area where cooperation could go a long way is combating gender-based violence. Human rights officers, AMIS civilian police, local police and the judiciary need to enhance and regularize their cooperation in a way that ensures better prevention and protection for the victims and their rights.